FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

SECOND APPEAL NO.137 OF 2000

Baburao Sripati Chavan & Anr. ..Appellants
V/s.
Sripati Ganpati Chavan ..Respondents

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

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Mrs.Varsha Palav h/for J.K.Patil for the appellants.

Mr.S.D.Dharmadhikari for Respondents.

Coram : R.S.Mohite,J

Date : 03.12.2004.

PC

1. This is a Second appeal filed by the original defendants. The plaintiff's suit was for simplicitor injunction. The plaintiff is a father of defendant no.1 and father-in-law of defendant no.2. The suit lands bearing Gat Nos.1065 & 1356 of village Vasagade were admittedly the self acquired property of the plaintiff's father. The

plaintiff’s father expired in 1981 living behind the plaintiff as the only heir. The record of right indicates that after the death of his father the plaintiff’s name was entered into the record of rights in the year 1982-83. The plaintiff then filed a suit for injunction on the strength of his inheriting the suit property and being sole legal heir of the original owner. The case of the defendant rested upon a will said to have been executed by the plaintiff’s father on 18.10.1973 in favour of defendant no.1. Both the courts have concluded that the will was not proved because no attesting witness was examined. Both the courts have held that the plaintiff was in possession of the suit property. The suit was filed in 1983 and the record indicates that in the year 1982-83 the name of the plaintiff was inducted on the record. The defendants’ case

was that the plaintiff has left the village for 8 to 10 years because of bad relations. Defendant No.1 did not step into the witness box to substantiate this case.

2. In view of these facts, there is no substantial question of law involved in this Second Appeal. Hence, Appeal stands dismissed.

(R.S.Mohite,J)